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10/657,453	09/08/2003	Elena Mate	1376-0200620	9810
34456 7590 03/03/2009 LARSON NEWMAN ABEL & POLANSKY, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730				
EXAMINER				
WENDMAGEGN, GIRMSEW				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,453

Applicant(s)

MATE ET AL.

Examiner

GIRUMSEW WENDMAGEGN

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16, 17 and 19-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16, 17 and 19-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim1-13, 16-17, and 19-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1-13, 16-17, 19-22, 26-29, 31-37, 39-46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter et al (Patent No US 6,337,947), further in view of Nakaya et al (Pub No US 2001/0012436).

Regarding claim1,25, 32,43,46, Porter et al (hereinafter Porter) teaches a method comprising: receiving a video stream at an information handling system at a first rate, wherein the video stream is a broadcast video stream (see figure1 source signal and column3 line181-20); editing at least a portion of the video stream at the information handling system to generate an edited video stream, wherein the editing is based on editing characteristic(see figure1 and column3 line14-26) ; wherein editing occurs in real-time relative to a user's perspective of receiving the video stream (see figure1) but does not teach recording the edited video stream for subsequent playback, the

subsequent playback in response to a user request. However Nakaya et al (hereinafter Nakaya) teaches recording real time edited content and playback in response to a user request (see paragraph 0034, editing section 132 edits the audio video, record on and reproduce from the hard disk 14).

One of ordinary skill in the art at the time the invention was made would have been motivated to record the edited video stream as in Nakaya in to Porter because it would allow the user to watch in later time.

Regarding claim2, Porter teaches the method of claim1, wherein the editing characteristics include information within the video stream (see column3 line14-26, parameters embedded in the signal source).

Regarding claim3, see the teaching of Porter and Nakaya above. Both do not teach the information within the video stream is a station logo. However it is old and well known in the art to determine channel based on station logo within the video stream. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to use station logo to recognize a channel in order to make channel based editing and processing.

Regarding claim4, Porter teaches the method of claim1, wherein the editing characteristics include information received separately from the video stream (see column2 line27-31).

Regarding claim5, see the teaching of Porter above. Porter does not teach the information from other than the video stream is from a television guide database. However it is old and well known in the art to use television guide database for editing purpose.

One of ordinary skill in the art at the time the invention was made would have been motivated to use television guide-database to get information to use it for editing because the guide is readily available and accessible.

Regarding claim6, Porter teaches the method of claim1, wherein the editing characteristics includes information based on a user action that modified the video stream (see column5 line4-9).

Regarding claim7, see the teaching of Porter and Nakaya above. Both do not teach user action being changing channel. However it is old and well known in the art to edit video based on channel selected. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to edit video based on channel selected because it would make editing much effective.

Regarding claim8, 33, Porter teaches the method of claim1, wherein the editing includes applying special effect to the video stream (see column2 line31-39).

Regarding claim9,34, Porter teaches the method of claim8, wherein the special effect includes one or more of removing a log, implementing a page turning special effect, implementing a fading effect, removing noise, selection of noise filtering, and selection of quality filtering(see column2 line27-34).

Regarding claim10, 35-36, Nakaya teaches the method of claim1, wherein the recording occurs in real-time relative to the user's perspective of the receiving video stream (see paragraph 0034).

Regarding claim11, Porter teaches the method of claim1, further comprising: displaying the video stream in real time relative to a user's perspective of receiving the video stream (see column2 line27-34).

Regarding claim12, Porter teaches the method of claim1, further comprising: displaying the edited video stream in real time relative to a user's perspective of receiving the video stream (see column2 line27-34).

Regarding claim13, Porter teaches the method of claim1, wherein the editing characteristics are user programmable (see column5 line4-9).

Regarding claim16-17, 31, 41, see the teaching of Porter and Nakaya above. Both do not teach editing characteristics are based on a source of the video stream. However it is old and well known in the art to perform different editing based on video source. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to select editing option based on the source because it would make editing apparatus much effective.

Regarding claim19-22, see the teaching of Porter and Nakaya above. Both do not teach editing options based of different characteristics. However it is old and well known in the art editing audio video based on different characteristics of audio video. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to edit audio video based on different characteristics of audio video in Porter because it would make editing different audio video easier.

Regarding claim26, Porter teaches the method of Claim 25, wherein the plurality of predefined editing options comprises special effect options (see column2 line 31-39).

Regarding claim27, Porter teaches the method of Claim 26, wherein the special effect options includes one or more of removing a logo, implementing a page turning

special effect, implementing a fading effect, removing noise, selection of noise filtering, and selection of quality filtering (see column2 line 31-39).

Regarding claim28, see the teaching of Porter and Nakaya above. Both do not teach editing option comprising implementing a page turning effect. However it is old and well known to use page turning effect. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to use page turning effect in Porter because it would make transition from one scene to next more interesting to the user.

Regarding claim29, Porter teaches the method of claim 25, wherein the plurality of predefined editing options comprises implementing a fading effect (see column2 line 31-39).

Regarding claim37, Porter teaches the method of claim32, wherein the utilizing comprises displaying the edited video stream (see column2 line64-column3 line13).

Regarding claim 39, Porter teaches the method of claim32, wherein editing comprises modifying the video stream based on selected editing options (see figure3 step 74 and 78 specifically).

Regarding claim40, Porter teaches the method of Claim 32, further comprising: determining the selected editing options based upon user input (see column5 line4-9).

Regarding claim42, Porter teaches the method of Claim 39, wherein the editing further comprises: determining a characteristic of the video stream; and selecting the selected editing options based on the characteristic (see figure1 and column3 line 14-26)

Regarding claim44, Porter teaches the editing system of Claim 43, further comprising: a user interface configured to receive user input (see figure2 element 60); and an edit control module coupled to the user interface (see figure2 element 22), the edit options database (figure2 element 58), and the video graphics module, the edit control module configured to select another set of predefined editing options based on the user input (see figure1 and 2; column2 line20-63).

Regarding claim45, Porter teaches the editing system of Claim 43, wherein the video stream is a broad cast video stream (see column3 line 18-20) and the video graphics module is configured to edit the video stream in real-time as the video stream is received (see column2 line 24-31).

Claim23-24,38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter et al (Patent No US 6,337,947) and Nakaya et al (Pub No US 2001/0012436) as

applied to Claim1-2, 4, 6-13, 16-17, 19-22, 26-29, 31-37, 39-46 above, and further in view of Linnartz et al (Patent No 7,336,712).

Regarding claim23, 24, see the teaching of Porter and Nakaya above. Both do not teach modifying a predetermined location of an image of the video stream. However Linnartz et al (hereinafter Linnartz) teaches receiver modifying a predetermined location of an image (removing logo from an image) (see column1 ine32-38).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify an image as in Linnartz in to Porter because it would allow the user to replace it with information related to the content (see Linnartz column1 line32-38).

Regarding claim38, see the teaching of see Porter and Nakaya above. Both do not teach video stream being streaming video. However it is old and well known in the art to receive streaming video to edit and store. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to receive streaming video to edit in Porter system because streaming video is widely used method of delivering video stream.

Claim30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter et al (Patent No US 6,337,947) and Nakaya et al (Pub No US 2001/0012436) as applied

to Claim 1-2, 4, 6-13, 16-17, 19-22, 26-29, 31-37, 39-46 above, and further in view of Matsui et al (Pub No US 2003/0086686).

Regarding claim 30, see the teaching of Porter and Nakaya above. Both do not teach editing option comprises noise removal option. However Matsui et al teaches editing option comprises noise removal option (see Paragraph 0434).

One of ordinary skill in the art at the time the invention was made would have been motivated to remove noise as in Matsui in Porter system because it would improve the quality of the content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621

